

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
v.) No. 3:16-CR-0046
SZUHSIUNG HO a/k/a ALLEN HO,) JUDGES JORDAN/SHIRLEY
CHINA GENERAL NUCLEAR POWER)
COMPANY a/k/a CHINA GUANGDONG)
NUCLEAR POWER COMPANY, and)
ENERGY TECHNOLOGY INT.)

**UNITED STATES' RESPONSE IN OPPOSITION TO DEFENDANT
HO'S MOTION FOR PRETRIAL RELEASE ON CONDITIONS [Doc. 24]**

The United States of America, by and through the United States Attorney for the Eastern District of Tennessee, hereby responds in opposition to defendant Ho's motion for pretrial release on conditions as follows.

The defendant is charged in Count One with violating 42 U.S.C. § 2077(b) by conspiring with others to engage and participate in the development and production of special nuclear material in the People's Republic of China. If convicted, the penalty for this offense is a maximum of life imprisonment. Any individual facing the possibility of spending the rest of their life in prison is inherently a high risk of flight. The defendant has every incentive to fail to appear and answer these charges in light of the very lengthy sentence he is facing.

The defendant references a house he owns in Wilmington, Delaware and alludes to the fact that he resides there. However, an analysis of the defendant's travel outside of the continental United States over the past ten years shows that on average, he has spent 290 days per year away from the United States (Exhibit 1). In addition, while the defendant does have a

wife that lives in Delaware, he also has another family living in China which includes a young son approximately nine years of age with whom it appears the defendant spends the majority of his time.

The evidence also shows that the defendant appears to have significant financial assets outside of the United States and in the banking system of China. Since 2009 bank records show that the defendant has transferred approximately \$3 million from a bank account in China to Energy Technology International bank accounts in Delaware. Additionally, the defendant is employed by defendant China General Nuclear Power Company (“CGNPC”) which is headquartered in Shenzhen, China where he maintains an office. CGNPC is a state-owned enterprise controlled by the government of China whose board of directors is comprised of members of the Communist Party of China.

While the defendant in his request references the more than 100 countries with which the United States maintains an extradition treaty, he fails to mention that the People’s Republic of China is not among them. The United States does not have an extradition treaty with China and the government has zero confidence that it could obtain the defendant from China should he flee the United States.

Based upon all of these factors, the United States believes that the defendant is a serious risk of flight and that if he were released from custody, there are no conditions or a combination of conditions available that will reasonably assure his appearance as required by the Court.

Respectfully submitted this 13th day of June, 2016.

NANCY STALLARD HAR
ACTING UNITED STATES ATTORNEY

By: *s/ Charles E. Atchley, Jr.*

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CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. All other parties will be served by regular U.S. mail.

s/ Charles E. Atchley, Jr.

Charles E. Atchley, Jr.
Assistant United States Attorney